

Order

Michigan Supreme Court
Lansing, Michigan

October 3, 2008

Clifford W. Taylor,
Chief Justice

136591

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 136591
COA: 276439
Wayne CC: 04-000969

JEREMY FISHER,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the March 25, 2008 judgment of the Court of Appeals is considered, and it is GRANTED. In addition to the issues presented in the application for leave to appeal concerning whether the emergency aid doctrine justified the warrantless entry into the defendant's home, and whether evidence of an assault against the police may be suppressed irrespective of the validity of a warrantless entry into a house, the parties shall address the standard of review to be applied for appellate review of a trial court's decision concerning an alleged Fourth Amendment violation for entering a house without a warrant, considering *United States v Gambino-Zavala*, 539 F3d 1221, 1225 (CA 10, 2008), quoting *United States v Apperson*, 441 F3d 1162, 1184 (CA 10, 2006), and *Ornelas v United States*, 517 US 690; 116 S Ct 1657; 134 L Ed 2d 911 (1996).

The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 3, 2008

Corbin R. Davis

Clerk